



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

IYUNDAH POWELL,

Defendant.

Consent Order of Restitution

21 Cr. 792 (VM)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Camille L. Fletcher, Assistant United States Attorney, of counsel; the presentence report; the Defendant's conviction on Count One of the above Indictment; and all other proceedings in this case, and upon the consent of Iyundah Powell, the Defendant, by and through his counsel, Neil Kelly, Esq., it is hereby ORDERED that:

1. Restitution

Iyundah Powell, the Defendant, shall pay restitution in the total amount of \$2,380, pursuant to 18 U.S.C. § 3663; 18 U.S.C. § 3663A (MVRA), to the victim of the offense charged in Count One of the Indictment and to the victims of crimes that fall within the relevant offense conduct in this case. The name, address, and specific amount owed to the victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of the victim, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

2. Schedule of Payments

While serving the term of imprisonment, the Defendant shall make installment payments toward his restitution obligation through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Pursuant to the IFRP, the BOP may establish a payment plan by evaluating the Defendant's six-month deposit history and subtracting an amount determined by the BOP to be used to maintain contact with family and friends, send mail, and buy necessary commissary items. That subtracted amount to be used to maintain contact with family and friends, send mail, and buy necessary commissary items shall not be determined to be less than \$50 per month. In other words, installment payments should permit at least \$50 to be used to maintain contact with family and friends, send mail, and buy necessary commissary items each month. The remaining balance may be used to determine a repayment schedule. BOP staff shall help the Defendant develop a financial plan and shall monitor the inmate's progress in meeting his restitution obligation.

3. Payment Instructions

Restitution payments shall be made payable to the "Clerk of Court – SDNY" and delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The Defendant's name and the docket number of this case shall be written on each check or money order. To make payments electronically, the Defendant shall contact the Clerk's Office for wiring instructions or refer to the Court's instructions for payment through pay.gov. Any cash payments shall be hand delivered to the Clerk's Office using exact change, and shall not be mailed.

4. Additional Provisions

The Defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant's name, residence, or mailing address or (2) any material change in the Defendant's financial resources that affects the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If the Defendant discloses, or the Government otherwise learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.

5. Restitution Liability

The Defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the Defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendant, the Defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

6. Sealing

Consistent with 18 U.S.C. §§3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of the victim, the Schedule of Victims, attached

hereto as Schedule A, shall be filed under seal, except that copies may be retained and used or disclosed by the Government, the Clerk's Office, and the Probation Department, as need be to effect and enforce this Order, without further order of this Court.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
District of New York

By: Camille Fletcher
Camille L. Fletcher
One Saint Andrew's Plaza
New York, N.Y. 10007
Tel.: (212) 637-2383

May 12, 2023
DATE

By: /s/ Iyundah Powell/NPK
Iyundah Powell

5/12/23
DATE

By: Neil Kelly
Neil Kelly
Federal Defenders of New York
52 Duane Street, 10th Floor
New York, NY 10007
Neil_Kelly@fd.org

5/12/23
DATE

SO ORDERED:

[Signature]
HONORABLE VICTOR MARRERO
UNITED STATES DISTRICT JUDGE

05/16/2023
DATE